

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: :  
IVAN AND MARIE SMITH : CASE NO. 5-14-05286  
Debtors : CHAPTER 13

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TOYOTA MOTOR CREDIT :  
CORPORATION :

Movant, :

vs. :  
IVAN AND MARIE SMITH :  
Respondents. :

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**DEBTORS ANSWER TO MOTION FOR RELIEF FROM**  
**AUTOMATIC STAY UNDER SECTION 362**

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AND NOW COMES, Ivan and Marie Smith, and files an Answer to Toyota Motor Credit Corporation's Motion for Relief From the Automatic Stay:

1. Ivan and Marie Smith, (hereinafter the "Debtors") filed a Chapter 13 bankruptcy proceeding with the U.S. Bankruptcy Court for the Middle District of Pennsylvania.
2. Charles J. DeHart, III, Esq. was appointed the Chapter 12 Trustee.
3. Under the Chapter 13 Plan, Debtor was to make regular monthly payments to the Movant outside of the Plan.
4. Movant alleges that Debtors have failed to make monthly car loan payments.
5. Debtors fell behind on payments made to Movant. Debtors made payment directly to Movant on August 24, 2017.
6. In the event that there remains a default, the Debtors wish to enter into a Stipulation to cure the arrears over a six month period.

7. Movant is not entitled to relief from the automatic stay as there is equity in the property encumbered by Movant's security interest, arrearage amount due has been paid or shall be paid through the Chapter 13 Plan, and, therefore, the Movant is adequately protected.

WHEREFORE, the Debtor respectfully requests that Movant's Motion for Relief from the Automatic Stay be denied.

Respectfully submitted,

Date: August 25, 2017

/s/Tullio DeLuca  
Tullio DeLuca, Esquire  
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**CERTIFICATE OF SERVICE**

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The undersigned hereby certifies that on August 25, 2017, he caused a true and correct copy  
of Debtors' Answer to Toyota Motor Credit Corporation's Motion for Relief from the Automatic  
Stay to be served via electronic filing to the CM/ECF participant at the following:

Charles J. DeHart, III, Esq. at [dehartstaff@ramapo.com](mailto:dehartstaff@ramapo.com)

[James C. Warmbrodt, Esq. at jwarmbrodt@kmlawgroup.com](mailto:jwarmbrodt@kmlawgroup.com)

Date: August 25, 2017

/s/Tullio DeLuca  
Tullio DeLuca, Esq.